

Response to Office Action dated 5/16/05
Title: Multiple Engine Test System
Date Filed: 03/09/04

Serial Number: 10/801,171
Inventors: Cline et al.
Attorney Docket No.: NC 96090

REMARKS

Applicants hereby request further examination and reconsideration of the application, in view of the foregoing amendments and following remarks. Applicants further reiterate the arguments and remarks presented in Applicants' Amendment dated July 20, 200, particularly the declarations presented.

It is noted with appreciation that the Examiner granted a telephonic Interview on October 4, 2005. It is further appreciated the great insight and suggestions given by the Examiner in order to amend the claims for condition for allowance.

Claims 1 and 5 are amended, and include the additional language of "customized testing components for the specific engine type," "the testing components mounted on the engine test bed system," "the removable engine test bed system ... removable from the mounting frame" and "the handling system being a two rail overhead track system." Support for this amendment is found in the Figures and throughout the specification.

Section 102 Rejections

Examiner rejected claims 1 and 2 under 35 USC 102(b) as being anticipated by Cascio.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdeggal Bros. v.*

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Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).¹ Also “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” Lindeman Mashinenfabrik GmbH v. American Hoist & Derrick, Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir.1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). To anticipate a claim the “identical invention must be shown in complete detail as is contained in the ... claim.”²

The reference cited, Cascio, has no mention, discussion or suggestion of “customized testing components mounted on the engine test bed system ” and “the handling system being an two rail overhead track system.”

Section 103 Rejections

Examiner rejected claims 3-12 under 103(a) as being unpatentable over Cascio.

To reject under 35 U.S.C. Section 103, the PTO must establish a prima facie case of obviousness. That is to say, the PTO must make a factual showing that the claimed subject matter as a whole would have been obvious to a person of ordinary skill in the art to which that subject matter pertains at the time the invention was made. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or modify the reference teaching. Second, there must be a

¹ See MPEP Section 2131.

² See MPEP Section 2131

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reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.³

The applicants respectfully state that the amended claims are not obvious. The reference cited, Cascio, has no mention, discussion or suggestion of "customized testing components mounted on the engine test bed system" and "the handling system being a two rail overhead track system."

In addition, in going from the references to the claimed invention, one cannot base obviousness upon what a person skilled in the art might try or might find obvious to try but rather must consider what the references would have led a person skilled in the art to do. In this case none of the references would have led a person skilled in the art to include customized testing components, which are not described, mentioned or suggested in the Cascio reference. Therefore, Cascio does not teach or suggest Applicants' present invention.

Additionally, Cascio does not appreciate the existence of the problem solved by the invention. The invention relates to a test bed system that tests different types of engines, specifically aircraft engines (Page 1, lines 17-27). Cascio does not describe a system that can test different types of engines. Cascio describes a system that can do different types of tests (Column 1, lines 26-31) on an engine, but not tests on different engines. Cascio does not address the problem to which the claimed invention is directed, and thus even if considered, would not suggest the invention to one skilled in the art. Furthermore, Cascio describes a test line procedure on an engine where each engine is moved to different test stations (column 1, lines 22-31). In

³ See MPEP Section 2143

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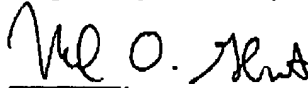
Applicants' invention, the engine is tested at one particular location and is not moved from test station to test station.

Conclusion

In view of the above, it is submitted that the claims are in condition for allowance.

Reconsideration and withdrawal of the rejections and objections are requested. Allowance of the claims at an early date is solicited.

Respectfully Submitted,



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